

[APPELLATE CRIMINAL JURISDICTION].

1872.
January 11.

REG V. LUKHMA' CHÁNGO.

Bombay Act VII. of 1867, Sec. 27—Music in private house—Police Prohibition.

Section 27 of Bombay Act VII. of 1867 does not empower the Police to prohibit the use of music in private houses.

ON the 6th October 1871, Kuvarji Kávasji, Magistrate F. P. at Tanna, convicted, under Sec. 29 of (Bombay) Act VII. of 1867, one Lukhmá Chángo of the offence of disobeying a proclamation, issued by the District Superintendent of Tanna, under the provisions of Section 27 of the same Act, and sentenced him (Lukhmá) to pay a fine of Rs. 5, or in default to suffer simple imprisonment for two days. The Magistrate observed in his finding :—

“ It appears from the evidence recorded in the case that the accused Lukhmá Chángo, having collected some 27 or 28 persons in his house, beat violently and incessantly native drums beyond the prescribed hours, in breach of the orders promulgated by the District Superintendent of Police, under Bombay Act VII. of 1867.”

On a review of the monthly criminal return of the Magistrate for October 1871, the High Court sent for the record and proceedings of the case to consider whether the conviction and sentence were legal.

The proceedings were reviewed in Court by Gibbs and Melvill, JJ. on the 11th January 1872.

PER CURIAM :—The Court reverses the conviction and sentence passed upon the said Lukhmá Chángo on the ground that Section 27 of Bombay Act VII. of 1867 does not empower the Police to prohibit the use of music in a private house.

Conviction and sentence reversed.